

REMARKS

Claims 1-3, 6, 8-13, 19, and 25 are pending.

Claims 4-5, 7, 14-18, 20-24, and 26 have been cancelled.

In the Office Action dated February 18, 2009, claim 19 was rejected under 35 U.S.C. § 101 and § 112, ¶ 1; and claims 1, 3 and 5, 25 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,650,641 (Albert) in view of U.S. Patent No. 6,744,767 (Chiu).

Applicant acknowledges the indication that claims 2, 6 and 8-13 contain allowable subject matter. It is noted that the Examiner's statement of reasons for allowance does not refer exactly to the language of the claims; the claims should be construed according to the express words of the claims, and not based on the paraphrasing made in the Office Action.

Claims 6 and 8 have been amended from dependent form to independent form to place those claims in condition for allowance.

Former independent claims 5 and 7 have been cancelled, without prejudice, to render the rejection of those claims moot.

REJECTION UNDER 35 U.S.C. § 101

Independent claim 19 was rejected under § 101 as purportedly being directed to non-statutory subject matter. Contrary to the assertion in the Office Action, it is respectfully submitted that claim 19 is directed to an article of manufacture, which in the case of claim 19 includes at least one computer-readable storage medium, which is a tangible medium. To avoid any possibility that the computer-readable storage medium can be construed to cover just signals, as alleged by the Office Action, the specification has been amended to delete reference to data signals on pages 19 and 20.

Claim 19 thus recites a tangible computer-readable storage medium that contains instructions (functional material) that upon execution cause a processor to perform the recited tasks.

In view of the foregoing, it is respectfully submitted that the § 101 rejection has been overcome.

Since the § 101 rejection has been overcome, it is respectfully submitted that the § 112, ¶ 1, rejection of claim 19 has also been overcome.

Therefore, withdrawal of the § 101 and § 112 rejections is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 103

It is noted that no prior art rejection has been asserted against independent claim 19. Therefore, since the § 101 rejection and § 112 rejection have been addressed, claim 19 is in condition for allowance.

Independent claims 1 and 25 were rejected as purportedly obvious over Albert and Chiu. It is respectfully submitted that neither Albert nor Chiu provides any teaching or hint of the following elements of claim 1:

- determining whether the data unit contains an identifier of a **codec type** that matches a stored **codec type**; and
- indicating occurrence of an attack of the first network in response to determining that the identifier is of a **codec type** that does not match the stored **codec type**.

In fact, the Office Action did not even refer to the “codec type” language that is expressly set forth in claim 1. In the rejection of claim 1 appearing on pages 4-6, no reference is made regarding how Albert and Chiu provide any teaching or hint of determining whether a data unit contains an identifier of a codec type that matches a stored codec type, and indicating occurrence of an attack of a network in response to determining that the identifier is of a codec type that does not match the stored codec type.

Since Albert and Chiu fail to disclose or hint at the subject matter of claim 1, it is respectfully submitted that the obviousness rejection of claim 1 is erroneous.

Independent claim 25 is similarly allowable over Albert and Chiu.

Dependent claims are allowable for at least the same reasons as corresponding independent claims.

In view of the foregoing, allowance of all claims is respectfully requested.

The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 14-1315 (14531RRUS01U).

Respectfully submitted,



Date: June 18, 2009

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